

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
March 11, 2004

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Council and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Davis informed the Council of the following changes to the agenda:

- Request from Ozzie Lee Hall, Jr. asking that he and eight other persons be added to the agenda to speak regarding police brutality
- Information from Sheldon Downes, President of the Coalition of Neighborhood Associations, recommending one representative from each of the five voting districts for the Task Force on the Preservation of Neighborhoods and Housing
- Request by Rick Jones to continue the Bill Dansey (Greystone Mobile Home Park) rezoning request
- Request by Phil Dixon to continue the Phil Carroll rezoning and annexation requests
- Request for addition of a resolution declaring a police canine (Ivar) as surplus and authorizing disposition to the dog's handler.
- Request to continue the consideration of the draft FY 2004-2009 Capital Improvement Program until March 15
- Request to continue the 2003-2004 budget ordinance amendment and capital reserve fund ordinance amendment until March 15

Motion was made by Council Member Glover and seconded by Council Member Craft to approve the agenda as amended. Motion carried unanimously.

SPECIAL RECOGNITIONS

Mr. Michael Pollard was presented a plaque upon his retirement with 25 years and 3 months of service with the Greenville Fire/Rescue Department. A retirement plaque was also presented to Mr. Andrew Harris for his retirement after 21 years and 5 months of service with the Greenville Planning and Community Development Department.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Board of Adjustment

Motion was made by Council Member Dunn and seconded by Council Member Little to elevate Mulatu Wubneh from Alternate #1 to a regular member to fill an unexpired term expiring June 2005 replacing Terence McEnally who resigned; to elevate Jack Warren from Alternate #2 to Alternate #1 to fill an unexpired term expiring June 2004; to elevate John Hutchens from Alternate #3 to Alternate #2 to fill an unexpired term expiring June 2006; and to appoint Andrea Mabry as Alternate #3 to fill an unexpired term expiring June 2005. Motion carried unanimously.

Citizens Advisory Commission on Cable Television

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to reappoint Esmeralda Cabello-Black and Andy Miller for a first three-year term expiring March 2007 and to continue the replacement for Scott Hurst until April. Motion carried unanimously.

Environmental Advisory Commission

Council Member Glover requested that the appointment to the Environmental Advisory Commission be continued until April.

Recreation and Parks Commission

Mayor Parrott asked that the appointment to replace David Reid, who resigned, be continued until April.

Appointments to Task Force on Preservation of Neighborhoods and Housing

The following nominations for the Task Force on Preservation of Neighborhoods and Housing were made.

- Five (5) persons who are involved with neighborhood associations from nominations made by Council Members, one (1) nomination by each Council Member elected from a district of a person residing within the Council Member's district from a recommendation submitted to the Council by the Coalition of Neighborhood Associations.

Council Member Council--District #1
Council Member Glover--District #2
Mayor Pro-Tem Miller--District #3

Reggie Elliott
Lillian Outterbridge
Mary Clair Biles

Council Member Craft--District #4
Council Member Little—District #5

Richard Crisp
Tom Best

- Five (5) persons who are resident homeowners, one from each City voting district, from nominations made by Council Members, one (1) nomination by each Council Member elected from a district of a person residing within the Council Member's district.

Council Member Council--District #1
Council Member Glover--District #2

Barbara Fenner
Howard Conner (It was later determined that he lives in District #4, making him ineligible to represent District #2)

Mayor Pro-Tem Miller—District #3
Council Member Craft—District #4
Council Member Little—District #5

Vince Bellis
Jarvis Mills
Max Ray Joyner, Jr.

- Two (2) persons who are affiliated with either East Carolina University or Pitt Community College, one (1) staff person and one (1) student who is a renter, from nominations made by the Council Member elected at-large.

Council Member Dunn

Brandon Hedrick
Mary Lou Antineau

- Three (3) persons who are either landlords or rental managers of single family or duplex dwellings within the City from nominations made by the Mayor.

Mayor Parrott

George Saad, Jr.
Donna Whitley
Bob Dietrich

Motion was made by Council Member Dunn and seconded by Council Member Craft to accept the nominations of and make the appointments as listed above. Motion carried unanimously.

Motion was made by Council Member Dunn and seconded by Council Member Craft for the Task Force to appoint its own chair at its first meeting. Motion carried unanimously.

APPROVAL OF CONSENT AGENDA - APPROVED

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to approve all the items under the consent agenda as listed below. Motion carried unanimously.

- (1) Minutes of the January 22, January 29, February 9 and February 12, 2004 City Council meeting
- (2) Consideration of various tax refunds

| <u>Name</u> | <u>Reason</u> | <u>Amount</u> |
|-----------------------|---|---------------|
| Jeffrey Scott Johnson | Prorate taxes on vehicle | \$ 129.73 |
| Casey Kearney | Vehicle charged in city limits in error | \$ 177.24 |

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|-------------------------------|--|------------|
| USB Leasing Lt. | Prorate taxes on vehicle | \$ 113.94 |
| Joyce Kathryn Fillingame | Taxpayer should have received | \$ 340.64 |
| | Disability Exemption for 2003 | |
| Carl Meredith Etchison | Prorate taxes on vehicle | \$ 127.75 |
| Lyon Financial Services, Inc. | Business personal property | \$4,084.39 |
| | Charge in error | |
| Melissa Ann Burroughs | Vehicle double charged | \$ 107.15 |
| (3) | Consideration of a petition requesting Pitt County Drainage District Nos. 3 and 7 to release 173 feet of Fork Swamp Canal Lateral No. 30 from their system of canals. | |
| (4) | Consideration of a request by East Carolina University for a fireworks display on March 26, 2004 as part of the 21 st Annual Pigskin Pig-Out Weekend. | |
| (5) | Consideration of a municipal agreement with the North Carolina Department of Transportation (NCDOT) for railroad crossing signal improvements on South Elm Street. (Contract No. 1308) | |
| (6) | Ordinance allowing vehicular traffic upon the alley between Evans Street and Cotanche Street south of Third Street. (Ordinance No. 04-17) | |

ORDINANCE REZONING MACON M. DAIL, JR. PROPERTY LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF THOMAS LANGSTON ROAD AND WEST OF STERLING POINTE DRIVE FROM RA20 TO OR AND R9S - ADOPTED

City Manager Marvin Davis reported that a notice of public hearing was published in The Daily Reflector on March 1 and March 8, 2004 setting this time, date and place for a public hearing to consider a request by Macon M. Dail, Jr. to rezone 29.554 acres located along the southern right-of-way of Thomas Langston Road and 550± feet west of Sterling Pointe Drive, from RA20 to OR and R9S. At its February 17, 2004 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Harry Hamilton, City Planner, delineated the property on a map and stated that Tract 1 containing 19 acres is requested to be rezoned to OR and Tract 2 containing 10.5 acres is requested to be rezoned to R9S. To the east is Sterling Pointe Apartments, containing 554 town homes, and to the south is Vancroft Subdivision. This area is tied via an interconnecting street system between Sterling Pointe Apartments and Sterling Trace Subdivision. To the south of Tract One, bisecting the property, is a small stream, Gully Branch Canal, and there are some environmentally sensitive areas in close proximity. To the north is a proposed multi-family development of 44 town homes. Gully Branch, which separates the two tracts, has been the dividing line between higher intensity uses back toward Highway 11 and the lower density internal neighborhood. Staff recommends that Gully Branch be the western most point of any type of zoning that would allow a multi-family option in this area. Areas to the south of Tract Two should be reserved for medium-density single-family development. Estimated density for Tract One at maximum density would yield 281 dwellings at 17 units per acre, a combination of 1, 2 and 3 bedrooms. Tract Two, a single-family area, would yield the same density as Vancroft Subdivision, 28 single-family dwellings. Thomas Langston Road is currently not a thoroughfare street. A portion of the road was a thoroughfare connecting with Greenville Boulevard and Williams Road in the past but was taken off the Thoroughfare Plan. The proposed Thoroughfare Plan, which will be considered by Council in the spring and fall, would include Thomas Langston Road as a thoroughfare street with the addition of another connector thoroughfare from

Greenville Boulevard, the Tobacco Road extension, down to Thomas Langston Road, which will provide a secondary access to the north. It is anticipated that as the subdivisions develop in this area, there will be an interconnecting street pattern that will further disperse traffic. The number of trips currently on Thomas Langston Road is below capacity for that street. The anticipated development could yield approximately 900 additional trips. It is anticipated that the majority of the trips would travel east. Staff anticipates and recommends that as tracts one and two are developed that a road will be extended north through them to provide access to Thomas Langston Road. At the time of preliminary plat approval, staff would require a traffic impact assessment and require that mitigation measures be provided as has been provided along Thomas Langston Road. The Comprehensive Plan encourages that type of connectivity. The Land Use Plan recommends medium density and Office, high density residential, to the north. The request is in compliance with the existing Land Use Plan Map.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that the property is under contract. It will have a nice connection to Thomas Langston Road. The petitioners plan to build something similar to Vancroft, and this is the last tract left to be development. The request is in compliance with the comprehensive plan and was unanimously approved by the Planning and Zoning Commission.

Mr. Billy Ellis of 3800 Sterling Chase Drive stated that there are three large subdivisions in this area. If this area is developed with more apartments, they will be swamped with apartments. He would like to see the entire area developed as R9S and is against apartments right on the road.

Ms. Kimberly Perco stated that she agrees with Mr. Ellis. More town homes would create so much more traffic and would decrease the value of the properties currently there. She encouraged the Council to vote for single-family homes in the area.

Mr. Anthony, a resident of Sterling Chase, stated that he opposes multi-family because of the traffic. He asked the Council to keep this as single-family homes.

Ms. Tammy Ballard, a resident of Sterling Apartments, expressed that she is opposed to more town homes.

Ms. Jessica Rogers, a homeowner in Sterling Point, stated that they don't need more town homes because of the traffic.

Mr. Davis, a resident of Sterling Point, stated that the proposed single-family housing is fine. During 1999, they received minor flood damage in front of his house. Last year, the ditches filled up the overflow pond and filled up the creek. Residents are concerned about that. He asked if there will be plans in place to take care of excess water when this property gets developed. He is in favor of single-family development, but not multi-family. There being no further comments, the public hearing was closed.

Upon being asked to clarify that the traffic impact information saying that Thomas Langston Road can accommodate the zoning request change, Mr. Hamilton stated that the connector

congestion is bad there; however, the current traffic counts are not at near capacity for that type of road system.

Upon being asked if the preliminary plats would address the stormwater issues, Mr. Hamilton replied that stormwater detention would be required for multi-family development.

Upon being asked if the developer has met with the residents, Mr. Baldwin replied that they have not. They assumed it was okay because it met the criteria. The request is compatible with Sterling Point.

Mr. Hamilton stated that the City will require that a street be connected into the property. They will submit a preliminary plat for the Planning and Zoning Commission, and staff will recommend that. If it is not in, it will not be in compliance with the comprehensive plan. Staff would recommend denial if there is an absence of that road.

Council Member Craft stated that at the Planning and Zoning Commission, 99% of the concerns that were expressed by the residents were addressed.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the ordinance rezoning to rezone 29.554 acres located along the southern right-of-way of Thomas Langston Road and 550± feet west of Sterling Pointe Drive, from RA20 to OR and R9S. Motion carried with a vote of 5:1. Mayor Pro-Tem Miller and Council Members Craft, Little, Dunn and Glover voted in favor of the motion. Council Member Council voted in opposition. (Ordinance No. 04-18)

ORDINANCE ANNEXING KENNETH M. BUCK PROPERTY, BRIGHTON PLACE, SECTION 2, LOTS 3-5, LOCATED ON SOUTH SIDE OF NCSR 1128 (DAVENPORT FARM ROAD), WEST OF NCSR 1127 (FROG LEVEL ROAD) - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on March 1, 2004 setting this time, date and place for a public hearing to consider a request by Kenneth M. Buck to annex Brighton Place, Section 2, Lots 3-5, containing 3.8462 acres, located on the south side of NCSR 1128 (Davenport Farm Road), 145 feet west of NCSR 1127 (Frog Level Road). This is a noncontiguous annexation.

Mr. Merrill Flood, Interim Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 5. The property is currently vacant and the proposed use is four single-family dwellings. The current population is 0, and the anticipated population at full development is 9, with 2 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Glover to adopt the ordinance annexing Brighton Place, Section 2, Lots 3-5, containing 3.8462 acres, located on the south side of NCSR 1128 (Davenport Farm Road), 145 feet west of NCSR 1127 (Frog Level Road). Motion carried unanimously. (Ordinance No. 04-19)

ORDINANCE AMENDING FLOOD DAMAGE PREVENTION ORDINANCE
ESTABLISHING MINIMUM BUILDING ELEVATION FOR MEDIUM AND HIGH-
DENSITY DEVELOPMENT LOCATED WITHIN 100-YEAR FLOODPLAIN - ADOPTED

Mr. Tom Tysinger, Director of Public Works, stated that during the February 12, 2004 City Council meeting the City Council voted to add language within the Comprehensive Plan that supported the construction of high and medium density development within the 100 and 500-year floodplains provided that the lowest finished floor of a structure would be built at least to the 500-year flood elevation. In response to this change the City staff has prepared an amendment to the Flood Damage Prevention Ordinance. Mr. Tysinger referred to the proposed ordinance revision that addresses Section 9-6-2 of the City Code. This section defines the regulatory flood protection elevation for all the developments within the 100-year floodplain and the 100-year flood elevation or base flood elevation plus one foot. Manufactured homes are an exception to that ordinance. High and medium density developments to which this amendment applies will include all multi-family developments and single family dwellings on lots with 20,000 square feet or less. Development within the 500-year floodplain are not currently regulated nor proposed to be regulated as a part of this ordinance amendment. The impact of this change will vary from site to site and is directly dependent on the actual ground elevation of any given property. On the average, it is expected this change will cause the finished floor elevations of effective structures to be elevated an additional one to three feet over what is currently required. The City's Flood Damage Prevention Ordinance has always permitted development within the 100-year floodplain provided the developments met all elevation requirements. This amendment increases the restrictions on high and medium density developments within the 100 year floodplain by requiring such developments to be elevated to the 500-year flood elevation or 100-year elevation plus one foot whichever is greater.

Mayor Parrott declared the public hearing opened and solicited comments from the audience.

Mr. Jim Hopf stated that over the past few weeks there had been considerable attention focused on the issue of this ordinance by the community. August and September 1999 was a very unusual time in that Greenville experienced a period of heavy rains and then two hurricanes back to back with one of them staying off the North Carolina coast for eight days dumping a disproportionate amount of rain. These were unusual events that came together to create an unusual result. The City has to look forward to plan based on facts, probabilities, and reasonable judgments and balance environmental protection and preservation with the need and desire for continued growth and progress. FEMA guidelines, which were developed after years of study and deliberation, mandate how to handle floodplains in a rationale and responsible manner. Those regulations allow development in floodplains and set the mark for development in the floodplains at the 100-year flood elevation. Development is already permitted in the floodplains. The current Greenville regulations set the mark for developing the floodplains at only one foot above the 100-year flood elevation. The ordinance being considered by Council is more restrictive and more protective of public health, safety and welfare than both the FEMA and the existing City of Greenville guidelines. It is also more restrictive than the vast majority of all other municipalities in North Carolina. There is an important distinction between floodplains and floodways, and this ordinance does not allow development in the floodway. The change in the Horizons Plan that this ordinance represents was brought up previously two times before the Planning and Zoning Commission and once before the Comprehensive Committee. The land

area impacted by this action, mainly the land in the 100 and 500 year floodplains in Greenville and Pitt County, amounts to more than 12,000 acres or roughly 30% of all land in Pitt County. Mr. Hopf introduced Mr. Henry Wells to the Council, stating he is a principal at Sungate Design Group and has more than 30 years experience in Hydraulic Engineering and floodplain management in both the private and the public sector. He has held positions with the Department of Transportation as well as with Wake County in the areas of engineering and flood hazards and has also worked with numerous municipalities and local governments in the delineation and re-delineation of floodway area.

Mr. Henry Wells stated that as a design professional he relies on certain publications such as the Flood Insurance Study, which is published by the federal government, as a guide in hydraulic design. This document gives the best information to help manage development within floodplains and how to look at flooding problems that occur within these floodplains. The 1% annual flood has been adopted by FEMA as a base flood for floodplain management purposes. This 1% annual flood is defined as the 100-year storm. He agreed wholeheartedly with what is in the Flood Insurance Study with one exception, that they allow development to be elevated at the 100-year storm. His professional opinion was that it should be at least two feet above and that opinion is based on sound engineering judgment. Putting the finished floor elevations at the 500-year elevation is more conservative than putting it two feet above.

Mr. J. T. Williams informed the Council that he had helped New Bern write a similar ordinance that went to Washington, DC that was nearly passed. With the last flood, he had some input. He is amazed as some of the things people are saying about this issue. In order for the City to grow, the City needs to move northward.

Mr. Phil Dixon, representing Phil Carroll and several people who own property north of the river, stated that this is an issue that has divided this community, but this ordinance is worthy of Council's consideration. According to Nationwide Insurance, in any given year for a typical homeowner, there is a chance of about 3-½% of having a fire or other hazard that might affect the home. In the 100-year floodplain the chances are about 1%. In the 500-year floodplain it is 2/10ths of 1%. A survey was done of all the communities in North Carolina to see what the requirements are. Of those, 16.4% do not have a Free Board Requirement, which is based on the 100-year floodplain; if one builds at the 100-year floodplain level one gets flood insurance. If one goes one foot over, insurance is available. Of the participants in the program, 20.7% have a Free Board Requirement of 1 to 2 feet, 49% have a requirement of just 2 feet, and 3% have a requirement of greater than 2 feet. With this ordinance amendment, Greenville would be among those 3%, which is significant. Kinston was hit as hard as Greenville by the flood; however, they have no regulations that prohibit or any comprehensive plan policies that discourage high-density residential development in the 100 to 500-year floodplain. Nor do Rocky Mount, Tarboro, Greensboro, Winston-Salem, Goldsboro or Fayetteville have any such regulations. After the flood, everyone was concerned about what could be done to protect those who had been flooded. It was more like a flood that will occur every 500-700 years. There are developers willing to take the risk, who are willing to take precautions against this risk and are going to secure flood insurance to protect that investment. It is something that is going to inspire and motivate people to invest in the area north of the river, which is something the Council is trying to do. Mr. Dixon concluded by encouraging the Council to adopt the ordinance so that the people north of the river

can have a grocery store, a pharmacy, a Trade Mart and other things that they did not have because they were cut off from them during the flood.

Mr. Chris Burns stated that he lives in Greenville and has interest in properties north of the river. He expressed that he is in favor of the proposed ordinance to allow medium and high-density residential development within the floodplain provided that the finished floor elevation is built at or above the 500-year flood elevation. The flood that resulted from Hurricane Floyd affected him personally in his business. With careful reasonable and equitable development, the north side of the Tar River can become a tremendous asset to Greenville.

Ms. Elaine Brestal, a resident of Brook Valley, stated that the existing policies in Greenville are the result of Greenville's experience from Hurricane Floyd. A broad based committee was established in 2000 to amend the flood damage and prevention ordinance. That committee included builders, developers and mobile home industry representatives. This group, as well as other citizens, was stunned at the Council's decision to amend the Horizons Plan. This change will allow new, high and medium density construction in the Tar River Floodplains. Now a short month later, this Council is proposing a new ordinance, which will bring the City in compliance with the new amended plan thereby reversing City policy. Although we respect this Council's right to alter the Horizons Plan, it should be emphasized that the existing avoidance policy has survived the scrutiny of the Horizons Plan Committee, was unanimously endorsed by the Environmental Advisory Committee, supported by the professional planning staff of this City and approved unanimously without change by the Planning and Zoning Commission. She questioned how the recommendations of so many people and dedicated public servants could be wrong and why the opponents of the revision didn't bring it before the Horizons Plan Committee during its two-year long process where one of several public meetings were held to discuss the plan. The focus of the weakened ordinance has been on the north area of the Tar River with a view to helping this area attract economic development. This ordinance would now apply Citywide and promote construction within the floodplain anywhere in the City. Thirty percent of Greenville is in the floodplain. The citizens would like dialogue with the City prior to the ordinance being passed so that they can understand how the footprint of the building portion of the floodplain has been expanded by this change and how many acres along the Tar River have been open to residential development by the new regulation. Ms. Brestal asked the Council to consider how the areas will be evacuated during the next flood and what risk the emergency personnel will be placed in to evacuate citizens safely. The reversal of the Comprehensive Plan's recommendation to allow new high and medium density construction within the floodplain was made hastily against the advice of all involved citizen advisory committees. She requested that the City Council not adopt this amendment to the flood damage and prevention ordinance but send it to an appropriate committee for further study and consideration. Ms. Brestal asked the people who were with her to stand, and approximately 50 people stood.

Mr. Larry Spell, a resident of Greenville, stated that it was his opinion that this kind of plan lacks vision. There is a lot of talk about the 500-year floodplain and many of the people in this room will not live to see another flood like the one in 1999, but somebody will be left to have to deal with that. He asked if the Council plans to create a mess to make other people have to clean up. He encouraged the Council to think and plan not five years ahead but 500 years ahead for this City.

Ms. Ann Bellis stated that she and her family have been citizens of Greenville for 38 years. She and her husband have worked and retired in Greenville and plan to stay here. Therefore, they are concerned about assuring the best quality of life not only for themselves but for all citizens of Greenville. In September of 1999 this region was devastated by the highest floodwaters in recorded history, trapping people in their homes. Some were rescued by boat and some were lifted up by helicopter, but the majority of those fleeing did so by car. Last week a book came out, Faces from the Flood, Hurricane Floyd Remembered, co-authored by J. Barnes with Richard Moore, North Carolina State Treasurer. In September 1999 Richard Moore was not State Treasurer; he headed the division of Emergency Management, North Carolina National Guard, Highway Patrol and other public safety agencies. He was involved in all aspects of rescuing people from the deadly waters. The next to the last section of this book is "The greatest tragedy of Hurricane Floyd" and states that North Carolina lost 52 people in this awful storm or series of storms. In this section is listed each of those victims, their names, their hometown and where they were when they died. Almost two thirds of the total deaths from this flood were people in or near their cars, some were driving some were passengers including children and some were rescuers. Most of these people were fleeing from their homes.

Mr. Scott Lecce, a professor in the Geography Department at East Carolina University, stated that his research interests lie in the area of surface water hydrology, flood hydrology and sediment transport in rivers. He was disappointed in the decision to throw out the floodplain management regulations that were put together several years ago by a citizen task force that represented a diverse range of use and interest from environmentalist to developers. If Council Members fully appreciated the risk that development in the 100-year floodplain poses, it may not have taken this action. Although there is 1% chance of the 100-year flood occurring each year over longer time periods this risk adds up. Presumably this apartment building will be there for some time, certainly more than a year. Over a 30-year time period, the odds of a 100-year flood increases to 1 in 4, 26%. For someone living in the floodplain there is a 1 in 2 chance, 50% chance, that a 100-year flood will occur during his lifetime. The federal government spends hundreds of millions of dollars to buy people out because they know that floodplain residents get flooded over and over again. It is cheaper to buy their property once than to pay them to rebuild again and again. The 100-year flood is being treated as if it was accurate, and it may not be. The margin of error associated with these 100-year flood estimates is very large. Mr. Lecce concluded by asking that the City Council go back and reconsider their decision.

Mr. Chris Mansfield stated that he served on the Comprehensive Plan Committee twice, Planning and Zoning Commission for about three years, and was an organizer of two of the ECU Flood Conferences that were held to bring some intelligence to the issue. He was also a volunteer in the shelters and contributed to the medical literature defining the impact that the flood had on clinic patients in the School of Medicine. One of his roles at the University now is directing a new public health program. This is a public health issue. If the Council approves this amendment, it is throwing out at least seven objectives in the Horizons Plan. When floods strike developed areas, whole cities may be disrupted and their productive capacities impaired. Strategic transportation lives are cut, public services facilities are hampered or damaged, crops are destroyed and soils are eroded. Studies of floodplain use show that some encroachment is undertaken in ignorance of the hazard that sometimes occurs in anticipation of increased federal protection. Sometimes it takes place by shifting the cost of hazard to society and it becomes profitable for private owners to do so. That is the introduction to the Corp of Engineers

document on flood proofing regulations. In the FEMA document that would guide citizens on elevating residential structures, the very first line says “Whenever possible, residential structures should not be located in flood prone areas”. In medicine if they can’t cure, they try to prevent, and the Council should try to prevent another catastrophe by this ordinance. He questioned whether it is sufficient, whether it adequately addresses safe evacuation or safe access for rescue, and whether it addresses safety and integrity of utilities, electric, water, and plumbing. He questioned whether raising the floors will keep the foundations secure enough to keep the structures in place.

Dr. Barney Kane cited an example of the flooding that occurs when development occurs in the floodplain. He questioned whether the Council really plans to approve allowing more development and more fill in the floodplains. He also stated that the citizens have been promised drainage relief that has yet to be delivered. He served on the City’s Stormwater Utility Committee and also served with J. T. Williams on the committee that designed the elevation standards. As a result of the Stormwater Utilities Committee, the City now charges every home, business and institution on a rational basis for the impervious surfaces that contribute to excess flood waters. Millions of dollars collected annually by these fees are promised for two main purposes—to improve drainage that is protecting citizen’s health and property values and to improve water quality thereby protecting natural resources and fisheries. Many disadvantaged areas of the city have yet to see relief from flooding and unhealthy drainage problems. If the developers continue to build in the floodplains, the flooding in all areas of this City will be worse. It will not be possible to improve drainage and water quality if the floodplain is filled. Dr. Kane stated that a builder with a one-year construction loan has a 1% chance of damage from the 100-year flood. Yet, a homeowner with a 30-year mortgage has 30 years of exposure of risk. It is not just a homeowner’s investment and a mortgage; it is the health and well being of this family and the degradation of the quality of their habitat. With this amendment, the Council is not taking realistic steps towards affordable housing and economic opportunity for people living north of the river. This is talking about short term economic gains for one segment of the community and long term substandard housing with flooding and drainage problems for people who live there plus the prospective in increase drain on the stormwater utilities fees which all citizens pay.

Dr. Vince Bellis, speaking on behalf of Ruth Leggett, who is a resident in Forest Hill Subdivision, read the following statement written by Ms. Leggett.

“COPY”

I am sorry that I cannot give you my comments in person but because of a prior work commitment I decided to communicate my concerns by writing a letter and asking that it be read for the public record when the issue comes on the floor.

I am a professional planner and I have served on all three Horizons Planning Committees, once as chairman.

I am writing to ask you to reject the proposed ordinance that will allow new multi-family residential development in the floodplain. I would also like to ask you to send the issue of floodplain development back to a citizens advisory committee or to the Horizons Committee.

I am philosophically opposed to all developments in the floodplain but I know that is not a realistic option. However, the issue of allowing multifamily development in the floodplain even if it is elevated is bad planning. Covering the ground with impervious surfaces i.e. buildings and parking lots makes the flood worse. None of the water can sink into the ground and thus flood waters extend further away from the river and make the flood cover a greater geographic area.

I was a commissioner of Greenville Utilities Commission when Hurricane Floyd flooded us in 1999. I went by boat to the water treatment plant because the only way to reach the site was by boat or helicopter. I saw first hand the pollution in the river from upstream untreated sewage, dead animals, over flowing hog lagoons and general unknown debris in the fast moving Tar River. I also saw the heroic efforts the Greenville Utilities Commission workers to save the water treatment plant to keep Greenville's water flowing through our taps. The water plant operators were walking around in that polluted water to help us the citizens of Greenville. I did not go to the Electric Substation or the Greenville Utilities Corporation's Operation Center, both of which were flooded but the employees at those sites worked at their own risk to keep Greenville Utilities operational, which of course benefited not only personal homes but the business community as well, enabling them to operate their businesses with minor inconvenience.

I have two children who work for the City of Greenville, one with the Fire Department and one with the Police Department. During Hurricane Floyd flood they risked their personal safety to rescue people from flooding homes and after the flood they participated in inspection teams, which were created to ensure that flooded homes were safe for returning residence.

In short, we put our valuable first responders at risk as well as residents of those multi-family developments and other people in the path of the floodwaters.

After Hurricane Floyd I worked with the American Red Cross and saw their efforts to assist the homeless and the distraught people in Greenville.

In closing I ask you again to reject the proposed ordinance and to amend the Horizons Plan to prohibit multi-family housing in the floodplain.

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Mr. Anthony Distefano, who was born and raised in Greenville, stated that he is a student at East Carolina University. He reminded the Council that during Hurricane Floyd, over 2000 students were displaced. There is a large transient population of students, and they don't have much representation because they are transient. Even though they are in and out, they are an affected population by any kind of flooding and the multi-dwelling housing that would be built potentially in a floodplain would likely have many students in there. He urged the Council to consider those students.

Ms. Mary Williams stated that she has been a resident of the floodplain all her life and is still hurting since the flood, as are many other people. She obtained four loans after the flood and has never recovered. The people who own the flooded properties are still hurting and many are sick.

Mold and mildew still exists in many of the homes where people are trying to live. She asked the Council to be merciful to the people who are already hurt.

Mrs. Frances Garrett, a resident on Sixth Street, shared with the Council how her father was transferred from Cypress Glen Retirement Center to another Methodist retirement center in Durham during the flood and the hardship that it created on her family. She encouraged the Council to not allow development in the floodplain.

Mr. Maury York, a resident of Greenville and employee at East Carolina University stated that he volunteered to help students that were affected by the flooding at Tar River Estates. He recalled the tears of some of the people who were afraid that it would happen again. He stated that in 2000, the Council adopted an ordinance amending the flood damage and prevention ordinance, zoning ordinance, subdivision regulations, and driveway construction ordinance. It prohibited medium and high-density development in the 100 and 500-year floodplain. Mr. Miller, a member of the committee, was quoted after this ordinance was passed as saying he was representing the commercial builders council of the Homebuilders Association and he stated that it was a historic day. Mr. York stated that Mr. Miller also thanked the staff, the City Manager's Office, Engineering Department and the Planning Department for assembling a group of diverse citizens from diverse fields for a common cause and stated that it was a pleasure to serve and this one chance to see the developers, builders, home suppliers and the environmental community come for a common cause to help the citizens of Greenville to assure the health, safety and welfare in this fine city. Mr. York stated that he hopes this viewpoint is still held by Mr. Miller. He encouraged members of the City Council not to approve this amendment tonight, but rather to send it back to the committee that developed the new Horizons Plan or to some advisory group.

Mayor Parrott closed the public hearing.

Mayor Pro-Tem Miller stated that he does stand by his statement and by the ordinance being proposed tonight because it strengthens the work that was started with Hurricane Floyd. He knows about Hurricane Floyd firsthand as he lost about \$1 million north of the river. He went back three weeks after Floyd, rebuilt with his own money, and plans to stay there. There is a lot of confusion over the difference in the proposed Comprehensive Plan and the flood damage prevention ordinance. These are two separate documents entirely. This Council is being criticized for making a rash decision at the last moment on this ordinance and the change in the plan. During the public comment period of the Comprehensive Plan Committee, this same suggestion was entered in September during those public hearings. At the last meeting last month, there were suggestions that the Comprehensive Plan Committee had not reviewed this ordinance change. It was submitted to them and they voted on it. Of the 11 items submitted by the citizens, the committee accepted 2 and rejected 9. The ordinance being proposed tonight will make Greenville have the most stringent requirements of anywhere in the state of North Carolina and possibly the United States. It far exceeds any requirements that FEMA or any other municipality in this area has. The Comprehensive Plan Committee's recommendation said that it would be the City's policy to discourage medium and high-density development within the flood prone areas or the flood fringe. That only applied to areas that did not already have zoning. If zoning already existed in the 100 or 500-year flood areas for multi-family high density by right they could build on it. So the actions of this Council are not changing any policy of this City. This will just make the areas that had RA-20 classification at a disadvantage to an adjacent

property that might have an R-6 classification. In the flood damage prevention ordinance passed after Hurricane Floyd, minimum street elevations for ingress and egress of flood hazard areas were established. Those issues have been looked, they have been massaged, and it is for the best for the health and safety. There is a lot of misunderstanding, and this Council is going to stay with the facts and try to do what is right for all the citizens.

Council Member Dunn stated that they had heard that people have said that it is unrealistic to have no development in the floodplain. The existing ordinances have never said that there will be no development in the floodplain. The controversy or the difference of opinion is what can be put in the floodplain. There are those who say don't put anything and that is not realistic. There is the other view that says put everything that you want to in the floodplain so long as you elevate it to a 500-year level. In a presentation that was made to the Planning and Zoning Commission last month about a piece of property that has brought to where we are, the developers realize that there is a risk with flooding at this sight but they are prepared to develop the sight in accordance with the 500-year elevation. To me it is the question of what do we put in the 100-year floodplain. There is no policy that we will make tonight or anytime that will prohibit the river from overflowing. The floodplain is a part of the river and it is there for a very good reason to take care of the overflow. The City policy has never said no development. She suggested asking staff or another board to come up with recommendations or alternatives. With the resources available in the City of Greenville, they should be able to arrive at a policy.

Upon being asked if, prior to the adoption of the Horizons Plan last month, a request was brought before the Planning and Zoning Commission and this City Council that was in the 100 or 500-year flood plain, would the Council have the option to approve or disapprove that request, Mr. Hamilton replied that staff would recommend that it not be approved. It would not be consistent with the Comprehensive Plan; however, the Council would have the opportunity to make that decision. Mr. Hamilton stated that prior to Flood Floyd there were a number of areas of medium density that were located closer to the river. The Floodplain Redevelopment Plan recommended that all the medium density and high-density areas be moved out of the floodplain and that was done. A lot of the changes north of the river are not new; those were recommendations that were established back in 2000. This new plan includes some additional non-residential areas. If someone had come in and applied for a rezoning request, in the area that was part of the floodplain, for high or medium density residential, it would be staff's opinion that it would be inconsistent with the goals and objectives of the Tar River Flood Plan Redevelopment Plan and the Comprehensive Plan. Staff would recommend denial. It is a guide and the Council would still have the opportunity to consider each case individually and make a decision.

Council Member Little stated that if the plan was left as it was presented last month and a request came in, Council could still opt to go against the Plan since it is a guide. Each zoning request is going to be based on its own merit. This amendment sets it at a higher level; it does not mean that Council is going to rezone the property that is in the floodplain.

Council Member Dunn reminded the Council that the Comprehensive Land Use Plan is not an ordinance or a regulation; it is a guide of what they want the City to look like. It does not mean that the Council is locked into it every occasion. The question for Council is what should that plan in general reflect. There should be some flexibility allowed.

Council Member Glover agreed that the plan should consider the thoughts and the inputs of the citizens. Many people live on the river or the ocean, and those areas are susceptible to tidal waves and floods. The City has made this regulation more restrictive than any city in the State of North Carolina, and she does not see where the Council will be making a decision to put people in harm's way. Many plans had been made before the flood and those people should not be denied their right to carry them out. Decisions need to be based on the people who were most affected by the flood, who are willing to go back over there to live and most of them have already rebuilt over there. There is a lot of land over there that federal government purchased that no one will ever be able to build on. The citizens on the north side need to be considered.

Council Member Dunn stated that neither the Comprehensive Plan nor this ordinance will change anything about people who are already there. If the property has already been zoned, they are not going to change that zoning.

Mr. Hamilton clarified that it will have no direct impact on those properties. They will be able to be developed unless rezoned by Council. There are a number of areas in the Bradford Creek area, some areas off of Highway 33, which are already zoned for High Density Residential. Those can be developed for multi-family.

A motion was made by Council Member Dunn and seconded by Council Member Little to have a committee to look at this to see if there can be some kind of compromise. She suggested that there may be some new people who haven't really looked at this before who can come up with a compromise proposal or either staff to come up with some proposals.

Council Member Little questioned the purpose of the committee or group and stated that any zoning matter that comes before this Council, rather it is in compliance with the plan or not, still requires Council's vote. What they would be doing by adopting this amendment is setting the standard much higher. That doesn't mean that any request that comes before the Council that is in the floodplain will be approved, yet what it does is all those properties that are already zoned that are near the Bradford Creek area and the area that he talked about will not be set a higher standard than it currently is.

Council Member Craft stated that he agreed with Council Member Little and there is nothing to gain by sending it back.

Council Member Council expressed that no one can control nature. She questioned whether the people who live in flooded areas south of the river would abandon them. The Council is not making anyone move into the floodplain. They have a choice. Eastern North Carolina was flooded in many areas that have already built back. People need to have the choice of building back or not.

The motion made by Council Member Dunn and seconded by Council Member Little to have a committee to look at this to see if there can be some kind of compromise was then voted on and failed with a 1:5 vote. Council Member Dunn voted in favor of the motion. Mayor Pro-Tem Miller and Council Members Council, Glover, Craft and Little voted in opposition.

Motion was made by Council Member Council and seconded by Council Member Glover to adopt the ordinance amending Section 9-6-2 of the City Code. Motion carried unanimously. (Ordinance No. 04-20)

UPDATED GREENWAY MASTER PLAN - APPROVED

Mr. Ron Svejksky, Traffic Engineer, stated the item before City Council is consideration and adoption of the updated Greenville Greenway Master Plan. The Greenway Master Plan, originally adopted in 1991, serves as a guide to the development of a greenway system throughout the City. Over the past 13 years, the City's growth has rendered the plan out of date. There have been several requests to update the plan, but funding was not secured until 2003 through the Greenville Urban Area Metropolitan Planning Organization. Greenways Incorporated (authors of the 1991 plan) was retained by the City to update the plan. The update identifies potential feasible and realistic sites for trail/greenway facilities throughout Greenville. This plan also recommends the primary use of each greenway corridor as preservation, recreation, or transportation, with cost estimates (excluding right-of-way), identifies sources of funding, and proposes an implementation schedule. The Greenville Greenways Committee served as the study committee for this update. Representatives from the departments of Public Works, Planning and Community Development, and Recreation and Parks provided staff assistance for the study. The study began in July 2003. Public meetings were held in October and November 2003. The draft plan was revised based upon public input and meetings with the Greenways Committee. The plan was reviewed and recommended for adoption at meetings held by the Greenways Committee on January 15, the Environmental Advisory Commission on February 5, and the Planning and Zoning Commission on February 17. The plan was prepared under the purview of the Greenville Urban Area Metropolitan Planning Organization at a cost of \$39,155. The City paid \$7,831 and the remainder (\$31,324) came from the state allocated Powell Bill funds.

Mr. Chuck Flink, President of Greenways, Inc. stated that a lot of improvements had been made to the plan over the last year. The most important things about this are the details that have been mentioned. Every segment of the Plan has been catalogued, which was not done in 1991. Also, cost estimates have been attached as a guide for the City on how to build this plan and what kind of facility type is recommended to be in each corridor. This makes the plan more workable and easier to follow as a guide for developing the Greenway System over time. The key recommendations by Greenways, Inc. is the formation of a friend group to guide the development of the plan, to raise some local dollars as matching source of funds for the City and to use those local dollars to leverage state and federal dollars to build and operate this system. Also, a very detailed phasing and priority for this plan has been done and gives a very explicit detail guide on how to implement the system over time. He has tried to think about how the system can grow in a logical and progressive manner so that it serves all the citizens of this community over time. One of the biggest stumbling blocks that has been unveiled is the issue of local funding. There are a number of communities in North Carolina that are competing against Greenville for state and federal funds. If the City can create a source of funding in the community, there will be a greater chance of competing progressively against other communities for state and federal funds. This is a critical feature of this plan and recommendation.

Council Member Dunn asked if the State and Federal Government matches what the City contributes, and Mr. Flink replied that a lot of the funds are about an 80/20 match because they are transportation related. A typical project will be funded approximately \$300,000, and a 20% match will be required out of local funds. That match can be in kind.

City Manager Davis informed the Council that the Greenway Projects are included in the City's Capital Improvement Plan. Funds have been received from the North Carolina Department of Transportation for Greenway construction. This is in the TIP Plan for additional Greenway construction projects. This plan will help put the City in a better place for those kinds of funds.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Larry Spell stated that he uses the Greenways twice a week. It is a tremendous asset to the City and it makes a more livable place. He stated that he currently lives in the southern portion of the City along Fire Tower Road and away from any of the Greenways. Having greenways close by causes people to do more bike riding and less driving. He suggested that Greenville Boulevard may not be as congested as if it were in the southern portion.

There being no further comments, the public hearing was closed.

Motion was made Mayor Pro-Tem Miller and seconded by Council Member Dunn to approve the updated Greenville Greenway Master Plan. Motion carried unanimously. (Document No. 04-05)

PUBLIC HEARING REGARDING PROPOSED ACTIVITIES WITHIN FIVE-YEAR CONSOLIDATED PLAN AND 2004-2005 ANNUAL PLAN FOR CDBG AND HOME PROGRAMS

Mr. Merrill Flood, Interim Director of Planning and Community Development, stated that last year an ambitious program was unveiled for City Council to work in the 45-Block area of West Greenville, south of Martin Luther King, Jr. Drive near Fleming Street that included a strategy for working in these areas over the next eight years. Staff is to come back with an annual planning workshop with Council to determine priorities for the next year. Staff had a meeting at the Eppes Center on February 10 to receive input from the citizens. Staff talked about the schedule for the development of this plan. Each year an entitlement award is received because Greenville is an entitlement community, and this year it is about \$962,000. Also received through the Home Consortium, which includes the City of Greenville, Pitt County, Ayden, Bethel, Grifton, Farmville and Winterville, is a set aside amount in the \$900,000 range. That amount of funding is divided among the six cities and Pitt County. This year the resources in the Greenville area for continuing efforts will be in the \$1.2 million range for activities. Last year, staff set out to identify areas to work in to remove blight, increase homeownership in the area, and to find ways to build new affordable housing in the area and strengthen commercial nodes in the area. This is the second year of that program. Last year, the City purchased about 35 properties in and around the 45-block area to get the program started at a cost of about \$10,000 a piece. The process will begin every year with an annual plan, which says this year the City will spend the funds in this manner.

Mr. Flood referred to a schedule identifying the milestones in the planning process beginning with February 10 with the meeting with the community to solicit input to find out their ideas. The proposed completion schedule is as follows:

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| February 10 | Neighborhood Meeting |
| February 27 | Deadline for submission of nonprofit applications |
| March 10 | Deadline for submission of Community Housing Development Organizations (CHDO) Applications |
| March 10 | Affordable Housing Loan Committee |
| March 11 | Review/Recommendation of Funding Nonprofits |
| March 12-31 | Citizens Preliminary Public Input Hearing |
| March 24 | Draft of Annual Plan |
| March 24 | Deadline for Consortium Members to Submit Activity Narrative |
| April 1-30 | 30-Day Public Comment |
| April 13 | Neighborhood Meeting |
| April 14 | Affordable Housing Loan Committee Review of Draft Annual Plan |
| April 30 | Completion of Draft Plan to Include Public Comments |
| May 13 | City Council Adoption |
| May 14 | Submission to HUD |

Mr. Flood stated that the first year activities did include buying about 35 properties in and around the 45-block area. To date, the City has purchased those 35 properties and is working on acquiring the warehouse on Albemarle Avenue as well. A number of tenants have been relocated that were in the 35 properties that were purchased. Plans are to demolish those rental substandard dwellings. However, part of the requirement, because these are federal funds, requires that prior to demolition of any structure the City go through a review by the State Historic Properties Commission as part of receiving those funds. This is placed not only on Greenville but also on a number of cities through new initiatives and reestablishing their goal to save as many structures from demolition that they being historic. Working with the Historic Properties Office in Raleigh, staff had to go in and study these areas to determine if the City has a district that would be eligible for Historic Designation in the future and if it has contributing structures in and around those areas. If it is determined that structures in the area are historic, then the City is prohibited from demolishing them unless it can be demonstrated beyond a reasonable doubt that they are greater than 100% of its value to upkeep and fix. That has hampered efforts as far as moving with the demolition of the structures that have mentioned. This is happening all across the state and the nation as HUD reaffirms their decision that they don't want historic properties moved. Staff believes that in working with both offices that a number of units that were purchased will be demolished very shortly, but staff does have to go through a number of hoops before getting to that point. The second year of the program would involve strengthening homeownership and removing blighted conditions. Staff has stressed that the City is not in the business of removing homeowner occupied properties. Some of the activities this year in and around the 45-block area would be to identify properties that the City can acquire that are vacant so that it can assemble land and build affordable housing, to identify

owner occupied houses again in the area that staff did not rehab, to strengthen homeownership in the area, and to provide secondary mortgage assistance to first time homebuyers that buy in this area. The City does develop subdivisions, and there are a number of lots available in the City's subdivision that staff would like to use to assist first time low or moderate income homebuyers as well as to assist nonprofits in the business of providing nontraditional affordable housing also in the area. Those are the parameters that staff is working in. It has met with the community and heard their comments. Staff intends to try to have another public meeting prior to coming back to City Council with a plan.

Council Member Little expressed concern about focusing on Area 1 and 2 in this coming year. This is a massive project. He asked if staff is trying to concentrate on a block-by-block basis or trying to scatter around, which would not have much of an impact.

Mr. Flood agreed that it is a large area. Staff is holding the areas down now to find blocks that can be worked on that will have the most impact. Staff will concentrate its efforts in a block fashion to get the most benefit and to benefit the most residents in the area and stay within the parameters they are trying to work in.

Council Member Council asked if the families would be able to return to the area.

Mr. Flood replied that they try to not take away people's choice if they want to remain in the area. Staff will try to find them decent, safe and affordable housing that they can go back into so that they don't go back into a worse situation. They are eligible for relocation benefits, which provides for moving assistance and a rental base assistance. Staff works with them one-on-one showing them the number of properties that meet those guidelines trying to get them to make a choice. If they decide to move out of the area but want to come back, staff immediately works with them to make that happen. If they are not ready for homeownership, staff will work with a local community development corporation to help prepare them for homeownership.

Council Member Council questioned how the scattered houses that were purchased would work in terms of rehabilitating block by block.

Mr. Flood responded that some of them are in close proximity to one another. Hopefully when the plan is brought back to Council, they will have blocks within close proximity. Staff will bring back to Council activities that would occur in those areas so that they can have a blocking effect of working in close areas.

Council Member Dunn asked whether revitalizing an area has an impact on the surrounding properties.

Mr. Flood replied that traditionally when it is scattered, there will be a next door effect where the property owner will see activities going on at this address, making him bring his property up to standard, but the City is trying to get back to block-by-block.

Council Member Glover stated that also has to do with City Code enforcement. If the City doesn't increase code enforcements and strengthen those, then when areas are revitalized, they will deteriorate again depending on who is there. People who are homeowners like to keep their properties up, but if there is going to be something bad beside of them, it sometimes discourages

them. The City needs to look at strengthening code enforcement. In other cities the Fire Department works along with the Code Enforcement Officers to do so, and they also have the power to condemn properties as well. New structures will be needed to revitalize the area. If a community is modernized and looks better, people are going to take more pride in it. If the City is going to build more stick houses or more shotgun duplexes, it will have the same problem.

Council Member Glover stated that if the City condemns or demolishes the older properties, there will be a tremendous lead based paint abatement bill. She asked if the staff has factored those costs into the plans.

Mr. Flood responded that the lead based paint abatement process is actually for the rehab process. In order to demolish the structure, the City does not have to test for lead for demolition, but it does have to test for asbestos. Staff factors both into the cost of rehab or a demolition because it is a real cost that drives up the costs.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Ozzie Hall informed the Council that if it just focuses on fixing up houses, it will not be addressing the major issues. There is a need for jobs and other economic development to occur in that area to get people to be able to afford homes and have some stability. Unless the City addresses the issue of jobs and some of the other issues that affect the conditions to create that, it is just going to displace those people and have similar conditions pushed out into the county or in other parts of the city. The City needs to address the overall problem of the area.

Mr. Dennis Mitchell stated that he attended one of the public meetings and learned that the City is planning to move the people out of the houses and determine whether they can afford to buy a house and, if not, the City would find suitable housing for them. Mr. Mitchell questioned the City's motives, particularly with the purchase of the abandoned warehouse. He expressed that there is not a lot of information being given to the people who live in that area. The plans that he has seen with a performing arts center, magnet school, etc. are not for the people who live there now. This seems like a great effort to boost up the property values in West Greenville and move most of the people who live there out because most of the people who live there are renters. A true revitalization effort is concentrating on providing affordable housing to the people that live there now, not to try to move people out. Mr. Mitchell suggested that the Council needs to have an oversight committee to be deeply involved in the situation. Most of the blighted areas in the community are the commercial properties and they need to be upgraded in order to uplift the community. Mr. Mitchell concluded by stating that this property is not intended to be simply a great piece of land between the hospital and East Carolina University; it should be for the people that are there now.

Ms. Ann Reddick, who resides at 413 Cadillac Street, stated that she is a renter in West Greenville and in the area they are talking about revitalizing. She expressed that the developer that says that he has been in the area and talked to the people and this is what they want and what is best for the community is asinine. She encouraged the Council to reconsider the revitalization. The people who are there now deserve this community as they have been there for all the time.

Mr. Melvin Daniels stated that his sister lives on the corner of Ford Street and Martin Luther King Jr. Drive. Her husband died seven or eight years ago, and she is retired. She encouraged the Council to be considerate of the people in West Greenville instead of the housing.

Reverend Barnes asked the Council why Section 8 can't help people to pay a mortgage if it can help them pay rent.

There being no further comments, the public hearing was closed.

CITIZEN COMMENTS

It was the consensus of the Council to allow Mr. Ozzie Hall to speak for 10 minutes and the other speakers will be allowed to speak for 3 minutes.

Mr. Hall read the following statement to City Council:

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Good evening Mr. Mayor, Members of Greenville City Council, and Citizens of the City of Greenville.

We stand before you today to alert you to a matter that warrants your immediate scrutiny and attention. The matter is the existence of the corporate culture in our city government that promotes police brutality and alienates and appalls many citizens in our community, and we believe adversely impacts shoppers, tourists and visitors to our city.

On Saturday, March 6, 2004, about 400 people came out in the rain to register their dismay about police brutality in Greenville. In recent weeks a broad coalition of blacks and whites, young and old, rich and poor, came together with a sincere desire to make Greenville the best possible place to live, work and play. This group held several meetings and developed a list of requests that we are here presenting for your consideration. We believe that these items will set the City of Greenville on a path to improvement and correction of the existing problems. First we are asking for the replacement of top city officials including the City Manager, the Police Chief and the Police Major. We believe that removing these individuals and replacing them with new officials that will embrace a community oriented philosophy of law enforcement will begin a change of the corporate culture that we are all concerned about. These individuals have created an atmosphere of distrust and have shown the world their insensitivity to an entire community.

Second, we are asking that police officers implicated in beatings, particularly in the cases of Eugene Allen Boseman, Jr. and Kenneth Gray Suggs, Jr. be terminated forthwith.

The Pitt County Medical Examiner has concluded that Mr. Boseman did not die as a result of the police beating. We believe the Medical Examiner failed to consider critical evidence that indicates that Mr. Boseman's death was caused by being forcefully compressed into the ground causing suffocation. However, even if you take the Medical Examiner's findings as to cause of death as true you cannot continue to ignore the fact that Mr. Boseman was beat unmercifully by Greenville Police and without proper justification.

You should also consider the Pitt County Medical Examiner's findings regarding the beating. Mr. Boseman had three broken ribs, and was beat all over his body. The Pitt County Medical Examiner noted that Mr. Boseman was beat in the head by police with an ASP Baton or flashlight. Head strikes are a deadly force. Mr. Boseman was reportedly beat, including in his head, for his own safety. Justice demands that something be done about these facts.

The City Manager and Chief failed to remove the "Boseman seven" from line duty in accordance with the Police Department policy for about 22 days, and then only after pressure from the community. City officials essentially announced the innocence of the officers before an investigation was complete. The City Manager and Chief's insensitivity to the community not only condone the beating but sent a negative signal to the community that places citizens in eminent fear and apprehension about whether a call for help could become a death sentence for someone in need of medical care or who commits some minor violation of the law.

In the case of Kenneth Gray Suggs, Jr., the office of the Chief Medical Examiners has not yet made a final determination as to cause of death. Yet we know that officers failed to file a "use of force report" thus indicating that no physical force was used beyond mere restraint. Two eyewitnesses have emerged that claim they saw police officers dragging Mr. Suggs, and one of them saw Suggs slammed on the hood of a police car by police. Mr. Suggs was charged by police with resist, obstruct and delay yet no "use of force" report was filed.

Mr. Suggs in an "excited utterance" reported to his wife in a telephone call from the detention center that he was beat by police. His wife, mother, grandmother and others reported observing signs that he was beat and listened to his accounts of being beat by police up until his death on January 31, 2004. Talk of the beatings circled the community for more than a week prior to his death. Physicians at the Pitt County Memorial Hospital documented Mr. Suggs claim that he was beat by police.

Mr. Suggs reported to hospital officials that Greenville Police Officers kicked him in the abdomen and the buttocks, and struck him in other parts of his body after he was restrained. Mr. Suggs reported to his family that he was kneed in the buttocks so much that he could not sit on buttocks after the beating.

Sergeant Lucas who has been identified as the main officer to administer the beating to Suggs. We are informed that Sergeant Lucas acts as trainer for Greenville Police Officers and teaches the use of application of large muscle trauma to force suspects to comply. The knee to the buttocks and hips is one of the techniques that Sergeant Lucas teaches.

One of the conditions implicated in Mr. Suggs death is a condition known as "Rhabdomyolysis." Experts say that "Rhabdomyolysis" could result from large muscle trauma such as the technique taught and used by Sergeant Lucas.

Nevertheless, a kick to the abdomen should be unquestionably an excessive use of force. Leaders to the community met with the City Manager and Police Major on the Monday following Mr. Suggs death. We came as friends of the city and asked that the department policy be followed by removing the officers from line duty pending the outcome of the investigation.

Instead of working with the community the City Manager took a position that was inflammatory against the community and the Police Major told us that if they removed the officers from line duty pending investigation that the other officers would take it as a political move and shut down.

There is more than enough evidence now to fire all these officers. Not to do so tells every line officer that it is okay to beat citizens

The City of Greenville population is about 64 percent white and 35 percent black. Yet only 10 percent of supervisory personnel are black and about 20 percent of sworn officers are black. We believe that City government can do more to increase black representation in the police work force. Statistics in other city departments are also out of balance.

West Greenville is segregated and isolated as a lonely island of poverty in the midst of the vast ocean of economic prosperity of Pitt County and the City of Greenville.

In West Greenville, 86 percent of the population is Black. Over ½ of black children in West Greenville grow up in poverty in a single parent family. The unemployment rate is nearly seven times the national average. Seventy percent of the housing in West Greenville is rental property owned by absentee landlords. Youth unemployment is over 70 percent. The crime rate is double the national average. The high school drop out rate is alarming. Black youth have a greater chance of dying at the hands of the police or other black youth than most other causes.

West Greenville and the public housing projects are severely economically depressed. We challenge the Mayor, and City Council to develop a package of economic reforms to reduce poverty in West Greenville, provide living wages for all, and provide capital resources for business development and economic growth under a new City Administration and new police administration. We are prepared to work with the City of Greenville to improve conditions and make Greenville a place in which we can all be proud.

It is time for us to make a vote of no confidence in City Manager Marvin Davis, Police Chief Joseph Simonowich, and Mayor Kevin Smelter and demand that the Greenville City Council replace them and change the corporate culture of the Greenville Police Department. City Manager Marvin Davis must go completely, not get moved to a position of Deputy City Manager with the same pay rate:

What do we want?

(1) Replace top officials including City Manager Marvin Davis, Police Chief Joseph Simonowich, and Major Kevin Smeltzer. Change the corporate cultural of the Greenville Police Department hiring officials that will embrace a community orientated philosophy of law enforcement.

(2) Fire officers responsible for the beatings and those who protect those responsible for the beatings. Also fire those Officers who failed to file a “use of force report” in the Suggs case as was required by department policy. Prosecute the Officers responsible for the beatings.

- (3) Greenville City Council should reform the police department and vote to request oversight by the U.S. Department of Justice under “pattern and practice” legislation and develop a reform plan that includes a broad based coalition of community organizations, leaders, and citizens under the supervision of a federal monitor and the federal court.
- (4) Require existing Greenville Police Officers to undergo additional training in community sensitivity, anger management, and advanced techniques in suspect management. All police academy training should expand by an additional 3-6 months to include community orientated policing.
- (5) Greenville City Council must develop a zero tolerance policy against racial profiling and police brutality.
- (6) Legislation to protect police whistleblowers so honest officers can come forward and report brutality and other misconduct by fellow officers without fear of reprisals and the ruin of their careers.
- (7) Greenville City Council must develop a package of economic reforms to reduce poverty in West Greenville, provide for living wage legislation citywide, and provide capital resources for business development and economic growth.

“COPY”

Mrs. Amelia Suggs, wife of Kenneth Suggs, stated she agreed with everything Mr. Hall said as it will help the community as well as her family and children that are growing up in this community. What happened to her husband is unfair to her and her family. She asked the Council to make this a better place for her family.

Mr. Alvin Daniels, President of the Southern Christian Leadership Conference, stated that he grew up in Greenville and has had his share of problems. He stated that as public servants, they should be concerned about helping people change their lives. He felt that the Council should demand to know how Mr. Suggs died. Somebody has to be responsible when men or women are being arrested and all of a sudden they are dead. Somebody is responsible for Kenneth being dead. Somebody in this City with Greenville Police Department has to be held accountable for these people getting beat like this.

Mr. Zachary Robinson, an ECU faculty member, stated that the recent deaths of Eugene Boseman and Kenneth Suggs are unconscionable. Greenville cannot be policed this way. There has to be a different way and there should be consequences for the killings. He requested that the City act to remove the officers that were responsible for the beatings and to change the top leadership of the Greenville Police Department. The second issue is the economic violence that is faced and suffered disproportionately within the African-American community in Greenville. The unemployment rate is seven times the national average. African-American workers who are employed earn on an hourly basis a fraction of the wages of white workers. This is also wrong and violent. The City will be well served to take steps to correct this inequality. There is one measure that has been adopted in several cities around the country and that is a living wage measure, living wage legislation, which provides a living wage to all who work for the city and

also for all employees firms that gives tax breaks from the city. Those firms that don't pay their fair share of taxes should be required to give something back to the City in the form of living wage jobs and some proactive measures need to be taken on both of these issues. Greenville has crossed the threshold of the 21st Century and is still dealing with the issue of racial inequality and violence that should have been solved decades ago.

Reverend Barnes stated that the only thing that is more disturbing to him than the death of these two gentlemen is the lack of support, the non-comments or concerns from the City Council. The Council should come out and condemn the police officers and show that they are making an effort. The fact that the community doesn't see an effort on the part of the City troubles the community.

Mr. Bennie Rountree, State President of the Southern Christian Leadership Conference, stated that it is sad that in 2004 there are some of the same concerns as there were 40 years ago when he first became involved with the Southern Christian Leadership Conference. Not all officers are bad; there are some good officers. Mr. Rountree stated that beating a citizen should be a last resort when trying to arrest someone. When a beating does occur, the City Council, Mayor, or Chief of Police should call the officers in and reprimand them. Officers do stand together, but there comes a time when officers have to be disciplined. That is what people are looking for. People get concerned every time an incident like this happens. Mr. Rountree stated that the City pays a lot of money training officers, but they need to use some common sense. He encouraged the Council to listen to the voice of the people and take appropriate action.

Ms. Fannie Sharp, Grandmother of Kenneth Suggs, Jr., explained to the Council how Mr. Sugg had informed her that he was changing and wanted to be a preacher.

Mr. R. J. Hemby, a former magistrate in Pitt County, stated that he completed the state of the art Citizens Police Academy program sponsored by the Greenville Police Department. This police department is one of the best in the nation. Because of this, there is no reason for the behavior of the police officers. The department has professionalism. He asked the Council to bring the people to the table that are responsible for the recent deaths.

Ms. Sylvia Suggs, Kenneth Suggs' mother, stated that she would like justice because there was no reason for the officers to touch her son that night because he was not in the wrong. To run him down and do him the way they did cost her her child. She now can't sleep at night because she has lost her loved one and can't get him back. Nothing has been done about the situation; it has been swept under the rug. She encouraged the Council to take this into consideration and do what is right, because justice has to be done. There has to be something done in this town to make it better.

Mayor Parrott thanked everyone for coming forward and speaking and stated that he would like to refer this to the Police Community Relations Committee. Mr. Hall can take that to the committee and let the committee come to the Council with a recommendation. In the case of Mr. Suggs' death, the City does have a preliminary report, but it does not have a final report back at this time. If there is any indication of police brutality in this City, he will step forward and take action.

Council Member Glover stated that Police Community Relations Committee has no autonomy. They have no power to make any recommendations; they just listen to what the citizens have to say. The Police Community Relations Committee has always postured in favor of the Police Department. She agrees that the City has some good police officers, but one cannot buy a basket of oranges and not have one bad in the bunch. The Council, as elected officials, has a responsibility to the citizens of these communities. These people are only asking that the Council do its job as elected officials, not give it to someone else. Government was created for the people, for the protection of the people and if every time an issue comes up the Council gives it to a committee that doesn't have any autonomy, then nothing is getting done. She has talked to officials in other cities and they handle things much better than the way the City is handling this situation. The City of Cincinnati agreed to have their police department under their American Civil Liberties Union. When complaints are received from one segment of the community, it is the Council's duty to try to come together as Council Members caring about all the citizens. No one makes an effort to call either she or Council Member Council to talk to them about it. She is very sensitive because she is out for truth and justice for everybody in the City. The NAACP has a list of complaints where people have been mistreated. The Council needs to come together as Council Members to discuss this issue. She would like to see a togetherness of the citizens and the Police Department. Council Member Glover appealed to the Council to sit down and try to look at and work on the problems to show the citizens that they are listening, not just tonight but all the time. This Council needs to learn how to agree to come up with reasonable solutions that will satisfy all the citizenry, not just part of it.

Upon being asked by Council Member Little what she proposed, Council Member Glover responded that she has plenty of information and she is proposing that the Council come together, bring things up that have happened, and look at how other communities have solved such problems. The Council may not all agree on the actions that are going to be taken, but it needs to come together as a Council.

Council Member Little suggested that this be added to a Monday Council meeting agenda.

Council Member Glover stated that it did not matter to her, the Council Members can meet with her or Council Member Council individually one at a time.

Council Member Council stated that she thought they should do it as a Council, a total Council.

Council Member Glover asked that the Council Members give Council Member Council and her the respect as being elected officials who know the needs of the community and what is happening in their community and to not call the people that they think are the leaders in this City and tell them that they need to get them straight, because both she and Council Member Council were elected by the people.

Council Member Craft reminded Council Member Glover that at a meeting of the NAACP, both he and Council Member Little had agreed to sit down on a monthly or quarterly basis to discuss concerns and issues. They left it up to Council Member Glover to facilitate it and nothing has happened.

Council Member Glover stated that was not concerning these issues, to which Council Member Craft responded that it was.

Council Member Glover questioned why she would facilitate something when nobody wants to listen to what she has to say.

Mayor Parrott stated that the Council would follow up on that and try to put it on the calendar.

PRESENTATION OF DRAFT GREENVILLE URBAN AREA THOROUGHFARE PLAN UPDATE

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to approve the draft Greenville Urban Area Thoroughfare Plan. Motion carried unanimously. (Document No. 04-05)

CITY MANAGER JOB PROFILE BY SPRINGSTED, INC. - APPROVED

Mr. John Maxwell of Springsted, Inc. distributed and reviewed a City Manager job profile for consideration by the City Council.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to proceed with looking for a City Manager based on the profile distributed. Motion carried unanimously. (Document No. 04-06)

Mayor Pro-Tem Miller suggested that Mr. Maxwell try to have someone by the last week in June.

REQUEST FOR LIGHTING AT JACKIE ROBINSON BASEBALL FIELD - APPROVED

City Manager Davis stated that Mr. Raymond Carney approached the City about his providing 50% of the cost for lighting the Jackie Robinson Baseball Field. The League has an interest in having the lights installed before the season begins, but it is doubtful that they could be installed and operational by that time. Although a bid has not been received for the lights, the estimated cost would be \$34,000 to \$38,000. If Council wishes to fund this project, the funds can be taken from the Capital Reserve funds that it is considering setting aside.

Mayor Pro-Tem Miller asked for an accounting of the funds that have been contributed to date, and City Manager Davis responded that they would be provided to the Council.

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to approve the authorization of the installation of lights at the Jackie Robinson Field subject to contributions of 50% of the cost. Motion carried unanimously.

RESOLUTION DECLARING MARCH 20-MARCH 27, 2004 AS SPRING CLEAN-UP WEEK
- ADOPTED

Motion was made by Council Member Dunn and seconded by Council Member Little to adopt the resolution declaring March 20 – March 27, 2004 as Spring Clean-up Week. Motion carried unanimously. (Resolution No. 04-03)

AWARD OF CONTRACT FOR AUTOMATED RED LIGHT ENFORCEMENT PROGRAM
FOR TRAFFIC SAFETY - APPROVED

Mr. Tom Tysinger stated that staff has negotiated a contract with Redflex Traffic Systems to operate an Automated Red Light Enforcement Citation Program within the City of Greenville. The contract includes provisions for performance benchmarks, termination of contract for cause or convenience, and a phased schedule for camera installation. This contract will have a term of five years and the controlled system rollout schedule will allow the city to evaluate the program's effectiveness while minimizing risk to the City of Greenville. Initially, there will be two installed in the first six months to allow the staff to evaluate its effectiveness. The cap is \$18,000 per camera with a maximum outlay of \$36,000 during the first six months.

Redflex Traffic Systems is responsible for a turnkey project that will result in the City paying the contractor \$47 per citation for the first 210 citations issued in a month per intersection approach and \$32 per citation for all citations over 210 per month. The contractor will be responsible for all costs to install and maintain the red light camera equipment, operate a local customer service office, citation issuance, and fine collections.

The termination for convenience clause includes a payback to the contractor, based on unamortized cost of direct labor and materials (not including equipment costs and salvageable material costs) to install the equipment. The range of these costs is expected to be between \$8,000 and \$18,000 per intersection approach, with a not to exceed limit of \$18,000. The direct costs must be substantiated through actual invoices and payroll records in order to qualify for reimbursement. After the first six months of use of each intersection approach, the City's payback is limited to the amount collected by the City for citations issued or the unamortized cost of direct labor and materials, whichever is less. Staff recommends the contract be awarded to Redflex Traffic Systems to operate the City of Greenville's Automated Red Light Enforcement Citation Program.

Motion was made by Council Member Dunn and seconded by Council Member Craft to authorize the City Manager to enter into a contract with Redflex Traffic Systems to operate an Automated Red Light Enforcement Citation Program within the City of Greenville. Motion carried with a vote of 5:1. Mayor Pro-Tem Miller and Council Members Little, Craft, Dunn and Council voted in favor of the motion. Council Member Glover voted in opposition. (Contract No. 1306)

RESOLUTION DECLARING A POLICE CANINE (IVAR) AS SURPLUS AND AUTHORIZING DISPOSITION TO THE DOG’S HANDLER – ADOPTED

Motion was made by Council Member Dunn and seconded by Council Member Craft to adopt the resolution declaring a police canine as surplus and authorizing disposition to the dog’s handler. Motion carried unanimously. (Resolution No. 04-4)

REPORT ON BIDS AWARDED

City Manager Davis referred the Council to a bid that had been awarded as follows:

| <u>Date</u> | <u>Item Description</u> | <u>Awarded To</u> | <u>Amount</u> |
|-------------|--|---------------------------|---------------|
| 2/25/04 | Stack Chairs, Mobile Staging and Miscellaneous Equipment | Commercial Food Equipment | \$62,932.00 |

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Council Member Dunn congratulated Boyd Lee for Greenville being named Sportstown USA by Sports Illustrated.

Council Member Glover stated that there is an effort to provide affordable housing for Americans through CDBG, HOME and Section 8. It will allow people to purchase homes through Section 8 Voucher Programs.

Council Member Council distributed a packet of information received from the National League of Cities conference held in Washington, DC March 6-9.

Council Member Craft congratulated the winners of the Community Appearance Commission’s Community Appearance Awards for February—Greenville Centre on Greenville Boulevard, Hampton Inn on Memorial Drive, and the entrance to Brook Valley on York Road.

Council Member Council explained that she has been having a conflict with the Convention and Visitors Authority meetings because of the City Council budget meetings.

CITY MANAGER’S REPORT

Good News Report

City Manager Davis congratulated the Parks and Recreation Department for its role in having Greenville named as Sportstown USA.

Report – Contract for Parking Decks Analysis

City Manager Davis stated that as part of the Capital Improvement Program discussions, City Council authorized an analysis of parking decks. Firms have been contacted and Carl Walker, Inc. a firm that specializes in decks, will perform this analysis. In summary, the analysis

includes two sites (Fourth and Cotanche Streets and behind the Blount-Harvey Building), a demand analysis of the number of spaces, a financial pro forma and operational analysis. This analysis should be completed in 60 days at a cost of \$5,000, which is lower than the estimated cost discussed by City Council during the CIP discussions.

Discussion – Change of Budget Schedule Dates

City Manager Davis reminded the Council of the upcoming Council meetings or proposed meetings to discuss the budget.

March 15—1:00 PM

March 18—1:00 PM

March 22—3:00 PM

March 29—3:00 PM

April 5—3:00 PM

April 20—5:30 PM (City/GUC Compensation Meeting)

May 4—5:30 PM (Proposed Joint City/GUC Compensation Meeting)

May 4—6:30 PM (Proposed City Council Final Checkpoints on Budget)

May 10—3:00 PM (Proposed City Council Budget Workshop—If Needed)

May 24—6:00 PM

Report – Preparation for Future Bonds and Debt – Financial Advisor, Bond Counsel, Preliminary Conference with the Local Government Commission, Advocacy Committee

City Manager Davis asked the Council to think about who they would like to have serve on the Bond Advocacy Committee. The survey results should be available from Dr. Wilson by the end of March. He and some of the staff will be meeting with the Local Government Commission on March 26 for preliminary discussion.

Report on Trip for Making Earmark Requests

City Manager Davis stated that in the meeting to Washington, DC last week, the Mayor, City Attorney and he met with Senator Dole, Jones and Ballance and also the congressional staff for Senator John Edwards.

Cancellation of 6:00 PM Meeting on March 22, 2004

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to cancel the 6:00 meeting on March 22, 2004. Motion carried unanimously.

CLOSED SESSION

Motion was made by Council Member Little and seconded by Council Member Craft to go into closed session (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as

privileged or confidential being the Open Meetings Law, and (2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. Motion carried unanimously.

RETURN TO OPEN SESSION

Motion was made by Council Member Craft and seconded by Council Member Little to return to open session. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Dunn and seconded by Council Member Glover to adjourn the meeting at 11:40 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk